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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,137

12/09/2003

Daniel Gelbart

3211

720

7590

03/11/2005

OYEN, WIGGS, GREEN & MUTALA LLP

480 - THE STATION

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CANADA

EXAMINER

FERGUSON, MARISSA L


ART UNIT

PAPER NUMBER

2854

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/730,137	Applicant(s)  GILBERT ET. AL	
	Examiner Marissa L. Ferguson	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura et al. (EP 0,985,528) in view of Iron et al. (US Patent 5,488,906).

Regarding claims 1 and 5, Okamura et al. teaches a method and apparatus for exposing processless plates (element 12) in a computer-to-plate plate setter (Column 3, Lines 34-36) and bending (9,10) the plate inside said computer-to-plate plate setter (Column 4, Lines 1-19 and Column 9, Lines 15-43). However, he does not explicitly disclose the system without making a plate. Iron et al. teaches bending printing plates without making a plate (Column 6, Lines 43-48 and Figures). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Okamura et al. to include a system without making the plate as taught by Iron et al., since Iron et al. teaches that it is advantageous to focus on properly and firmly securing the plate.

Regarding claim 2, Okamura et al. teaches a method and apparatus wherein said computer-to-plate plate setter is a thermal computer-to-plate plate setter (Column 7, Lines 27-34).

Regarding claim 3, Okamura et al. teaches a method comprising the additional step of automatically punching (element 7) the plate inside the computer-to-plate plate setter (Column 3, Lines 55-58).

Regarding claims 4 and 7, Okamura et al. teaches a method of bending (elements 9,10) processless plates inside a computer-to-plate plate setter (Column 4, Lines 1-19 and Column 9, Lines 15-43) and exposing the plates to imaging radiation (Column 6, Lines 17-33). However, he does not explicitly disclose the system without making the plates. Iron et al. teaches bending printing plates without making a plate (Column 6, Lines 43-48 and Figures). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Okamura et al. to include a system without making the plate as taught by Iron et al., since Iron et al. teaches that it is advantageous to focus on properly and firmly securing the plate.

Regarding claim 8, Okamura et al. teaches a method for forming one or more openings in the first processless plate while the first plate is in the computer-to-plate setter (Abstract, element 7 and Figure 1).

Regarding claim 9, Okamura et al. teaches forming one or more openings comprising punching (Column 8, Paragraph 0052).

Regarding claim 11, Okamura et al. teaches registering the openings (12b) prior to bending (Figure 1 shows borer 7 punching holes before proceeding to the bending machines 9 and 10).

Regarding claim 12, Okamura et al. teaches optically registering (3) the plate prior to bending the plate.

Regarding claim 13, Okamura et al. teaches optically registering the plate comprising using a video camera (24).

Regarding claim 14, Okamura et al. teaches optically registering the plate comprising using a laser (23).

2. Claims 5,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura et al. (EP 0,985,528) in view of Nakayama et al. (EPO 0950925).

Regarding claim 5, Okamura et al. teaches the claimed method with the exception of positioning a plate bender system adjacent to an imaging system and punching the holes prior to exposing the holes. Nakayama et al. teaches an apparatus with a cylinder that holds and bends a plate (22) and uses an imaging device (26 and Figure 3) wherein the system also punches holes (Step 102 in figure 4) before proceeding to the exposure unit. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Okamura et al. to include a bending system adjacent a imaging system and a punching step before exposing as taught by Nakayama et al., since Nakayama et al. teaches to locate the bender next to an imaging device in order to provide a clear and concise

image on the plate and teaches punching before bending in order to secure and ensure proper placement and/or loading of the plates in the clamping step.

Regarding claim 6, Okamura et al. teaches a method and apparatus wherein said computer-to-plate plate setter is a thermal computer-to-plate plate setter (Column 7, Lines 27-34).

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura et al. (EP 0,985,528) in view of Iron et al. (US Patent 5,488,906) as applied to claims 1 and 9 above, and further in view of Nakayama et al. (EPO 0950925).

Okamura et al. teaches the claimed method with the exception of positioning a plate bender system adjacent to an imaging system and punching the holes prior to exposing the holes. Nakayama et al. teaches an apparatus with a cylinder that holds and bends a plate (22) and uses an imaging device (26 and Figure 3) wherein the system also punches holes (Step 102 in figure 4) before proceeding to the exposure unit. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention taught by Okamura et al. to include a bending system adjacent a imaging system and a punching step before exposing as taught by Nakayama et al., since Nakayama et al. teaches to locate the bender next to an imaging device in order to provide a clear and concise image on the plate and teaches punching before bending in order to secure and ensure proper placement and/or loading of the plates in the clamping step.

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4. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura et al. (EP 0,985,528) in view of Iron et al. (US Patent 5,488,906) as applied to claims 1 and 4 above, further in view of Nakayama et al. (EPO 0950925).

Okamura et al. and Iron et al. both teach the claimed invention with the exception of registering the plate on registration pins prior to bending the plate. Nakayama teaches registering a plate by using pins (Paragraph 0043) before bending takes place. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Okamura et al. to include using pins for registering as taught by Nakayama et al., since Nakayama et al. teaches that it is advantageous to securely fix the plate onto a bending cylinder.

Regarding claim 16, Okamura et al. teaches the claimed invention with the exception of an electrical circuit comprising a plate and registration pin. Iron et al. teaches an electrical circuit with a plate and registration pin (Column 4, Lines 54-67). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Okamura et al. to include an electrical circuit as taught by Iron et al., since Iron et al. teaches that it is advantageous to detect when the plate is properly aligned.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854


REN YAN
PRIMARY EXAMINER